

BOARD OF SELECTMEN
July 23, 2007 Regular Meeting Minutes

I. Call to Order/Roll Call

Chairman Brian P. Major called the Regular Meeting of the Board of Selectmen to order at 7:00 P.M. in the Selectmen's conference room at the Town Offices. Present at the meeting were: Chairman Major and Selectmen Mary K. Lyman, Alex J. Vispoli and Gerald Stabile, Jr. Also present were: Assistant Town Manager Steven S. Bucuzzo and Town Counsel Thomas J. Urbelis. The meeting was duly posted and cablecast live.

II. Opening Ceremonies

Selectman Major asked for a Moment of Silence followed by the Pledge of Allegiance. Selectman Lyman asked those in attendance to remember the mother of Memorial Hall Library Director Jim Sutton who passed away recently.

III. Communications/Announcements/Liaison Reports

Assistant Town Manager Steven Bucuzzo

- Offered congratulations to the Department of Public Works Water Department for receiving the 2006 Water Fluoridation Quality Award from the Centers for Disease Control and Prevention and the U.S. Dept. of Health and Human Services. He noted that this is the fourth year that the Department has received the award.

Town Clerk Randy Hanson

- Announced that August 14th at 8:00 P.M. is the deadline to register to vote or make changes to your voting status for the September 4th State Primary Election.

Selectman Alex Vispoli

- Reported that he and Selectman Stabile had met that evening with Asst. Town Manager Bucuzzo to discuss options for the Town Survey.

Chairman Brian Major

- Announced that the next Long Range Financial Projection Subcommittee Meeting will be held on Monday, July 30th at 7:30 P.M. in the Selectmen's conference room.

Selectman Gerald Stabile

- Reported that the Town Yard Task Force met with the Town Manager recently and three additional appointments to the Task Force will be brought before the Selectmen for approval at the August 6th meeting.

IV. Citizens Petitions and Presentations

None this evening.

V. Approval of Consent Agenda Items

A. Appointments and Re-appointments

A motion was made by Selectman Lyman, seconded by Selectman Vispoli, to

approve the appointment of Stephen H. Wallingford to the Patriotic Holiday/Street of Flags Committee. His term will expire on June 30, 2008. The vote was 4 – 0.

A motion was made by Selectman Lyman, seconded by Selectman Vispoli, to approve the appointments of the attached list of Election Wardens, Clerks and Pollworkers as presented by the Town Clerk. The vote was 4 – 0.

A motion was made by Selectman Lyman, seconded by Selectman Stabile, to approve the appointments of Shelley Ranalli and Rachael Baime as Associate Members on the Zoning Board of Appeals. Ms. Ranalli's term will expire on June 30, 2009 and Ms. Baime's term will expire on June 30, 2010. The vote was 4 – 0.

B. Common Victualler License

A motion was made by Selectman Vispoli, seconded by Selectman Lyman, to approve the application of Sun B. Son on behalf of JS Food Corp., d/b/a Boston King Café, for a Common Victualler license for use at Butler Bank, 16 North Main Street, Andover. It was noted that the license request has been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the license. The vote was 4 – 0.

C. One-Day Beer & Wine Licenses

1. A motion was made by Selectman Stabile, seconded by Selectman Lyman, to approve the application of Kim Stamas, Community Services Department, Andover, for a one-day beer & wine license for use on Saturday, July 28, 2007 from 6:00 P.M. to 11:30 P.M. for a Summer Sizzler event at the Town House. It was noted that the license request has been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the license. The vote was 4 – 0.

2. A motion was made by Selectman Lyman, seconded by Selectman Vispoli, to approve the application of Melissa Santarpio, of 76 Endicott Street, Lowell, MA, for a one-day beer & wine license for use on Sunday, October 7, 2007 from 3:30 P.M. to 12:00 P.M. for a wedding at the Town House. It was noted that the license request has been reviewed and approved by the Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the license. The vote was 4 – 0.

VI. State Primary Election Warrant

A motion was made by Selectman Stabile, seconded by Selectman Lyman, to sign the Warrant for the State Primary Election to be held on Sept. 4, 2007 at the AHS Field House.

VII. Approval of Minutes from Previous Meetings

A motion was made by Selectman Vispoli, seconded by Selectman Lyman, to approve the July 9, 2007 as written. The vote was 4 – 0.

VIII. Sewer Commissioners

A motion was made by Selectman Vispoli, seconded by Selectman Lyman, to adjourn from the Regular Meeting to act as Sewer Commissioners. The vote was 4 – 0. The meeting adjourned at 7:13 P.M. Roll call was taken and the following members were present: Chairman Major and Selectmen Lyman, Vispoli and Stabile.

A motion was made by Selectman Vispoli, seconded by Selectman Lyman, to approve the following requests for connection to the new sanitary sewer system:

128 Andover Street – TM 115, TL 7	5 Charles Circle – TM 63, TL 16
86 Lowell Street – TM 71, TL 2A	100 Woburn Street – TM 120, TL 1A

The vote was 4 – 0.

A motion was made by Selectman Vispoli, seconded by Selectman Lyman, to approve the following requests for connection to the existing sanitary sewer system:

20 Carter Lane – TM 100, TL 7	24 Enfield Drive – TM 120, TL 15
219 Holt Road – TM 60, TL 16	23 Marie Drive – TM 5, TL 45

The vote was 4 – 0.

A motion was made by Selectman Vispoli, seconded by Selectman Lyman, to adjourn as Sewer Commissioners and return to the Regular Meeting. The vote was 4 – 0. The meeting adjourned at 7:15 P.M. Roll call was taken and the following members were present: Chairman Major and Selectmen Lyman, Vispoli and Stabile.

IX. Public Hearings

A. Bay State Gas Company

Chairman Major noted that the public hearing and discussion regarding the Lovejoy Road project will be held at the August 6, 2007 meeting.

Gary Koslowski of Bay State Gas appeared before the Board to provide an explanation of the work to be done associated with the following requests:

- To excavate approximately 85 feet on Essex Street to install 2" and 6" PE main to replace the existing cast iron main to include connecting the services along the above-mentioned work area to the newly installed main – approximate location shown on Plan #07102007-D, dated 7/10/07.

IX. Public Hearings (Cont.)

A. Bay State Gas Company (Cont.)

- To excavate approximately 1640 feet on Glen Meadow Road, 760 feet on Talbot Road and 580 feet on Fulton Road to install 6" PE main to replace the existing bare steel mains. The work will also include connecting the services along the above-mentioned work to the newly installed main – approximate location shown on Plan #07102007-D2, dated 7/10/07.

It was noted that both requests have been reviewed and approved by the Department of Public Works subject to the condition that a street opening permit must be obtained from the DPW prior to the commencement of any construction.

Mr. Koslowski explained that the work scheduled for Essex Street, from Depot Pizza to Railroad Street and under the railroad tracks, will be done during the evening, the exact hours will be worked out with the Police Department and ample notification will be given to the

neighbors. Mr. Bucuzzo reminded him that work should not commence prior to 7:00 P.M.

A motion was made by Selectman Vispoli, seconded by Selectman Lyman, to approve the Essex Street request as presented. The vote was 4 – 0.

Mr. Koslowski then discussed the work to be done on Glen Meadow Road, Talbot Road and Fulton Road. He said the project, which will begin in a couple of weeks, will be done during daytime hours and should take approximately one to three months. Several residents from Fulton Road appeared to inquire about the restoration to their properties once the work has been completed, how services are connected, whether the road will be passable during the construction and the condition of an island on Fulton Road that was never restored several years after work had been done previously. Mr. Koslowski addressed their questions, said the road will be passable during the day and indicated that following the hearing he would provide the residents with contact information for someone at Bay State who would look into the restoration of the Fulton Road island.

A motion was made by Selectman Vispoli, seconded by Selectman Lyman, to approved the Glen Meadow Road, Talbot Road and Fulton Road request as presented. The vote was 4 – 0.

X. Regular Business of the Board

A. Verizon New England, Inc. Project Update

Robert Grassia, Verizon Right-Of-Way Agent, and Robert O’Leary, Project Manager, appeared before the Board to provide an update on their Town-wide project of the maintenance and replacement of existing direct buried cable with new underground conduits and related equipment under the surface of the following Town public ways:

X. Regular Business of the Board (Cont.)

A. Verizon New England, Inc. Project Update (Cont.)

Agawam Lane	Algonquin Avenue	Athena Circle
Barbara Lane	Bridle Path Road	Bristol Lane
Candlewood Drive	Chaise Circle	Cherokee Circle
Cheyenne Circle	Comanche Place	Copley Drive
Dascomb Road	David Drive	Dean Circle
Delphi Circle	Eagle Way	Exeter Way
Farrwood Drive	Forest Drive	Germano Way
Gray Road	Greenwood Road	Hackney Circle
Hanson Road	Hearthstone Place	Iroquis Avenue
Korinthian Way	Lancaster Place	Landau Lane
Lansbury Lane	Lovejoy Road	Mohawk Road
Olympia Way	Osgood Street	Penobscot Way
Phaeton Circle	Redgate Drive	Salem Street
Seminole Circle	Senaca Circle	Seten Circle
Shawnee Circle	Sioux Circle	Tally Ho Lane
Tewksbury Street	Wabanaki Way	Waverly Drive
Yardley Road		

It was noted that these requests have been reviewed and approved by the

Department of Public Works subject to the conditions that street opening and excavation permits be obtained from the DPW prior to the commencement of any construction, streets which have been recently paved will require that the directional drilling method be used to install the conduits and homeowners on each street must be notified prior to the construction.

Robert Grassia, Right-of-Way Agent, indicated that the work to be done on the above list of streets is the second phase of the direct burying cable project and said the first phase has been progressing very well. Selectman Vispoli inquired about the notification process and reported that he had received several calls from residents that ample notice had not been given and suggested that a week's notice should be given in this new phase. Mr. Grassia reported that this issue has been addressed with Town Engineer Brian Moore and distributed a copy of the new notice that will be sent to affected residents giving them ample notice. Chairman Major commended them for the good job they did on his street.

Robert O'Leary, Project Manager, then addressed the Board to review the project and reported that it is progressing much quicker than anticipated and, as a result, said he could not give an exact timetable for completion. He indicated that when the project is completed they will have buried approximately 150,000 to 200,000 feet of cable.

X. Regular Business of the Board (Cont.)

B. Andover Youth Center Continued Discussion

Town Counsel Thomas J. Urbelis opened the discussion by reporting that he had received a letter that day from Lisa Price, Deputy General Counsel, of the Executive Office of Labor and Workforce Development, Division of Occupational Safety, declaring that prevailing wages would be required for the construction of the proposed Youth Center. He reported that the letter indicated that although the project is being constructed privately it is being built on Town-owned land and thereby falls under the prevailing wage law. The Board, Mr. Urbelis and Diane Costagliola, on behalf of the Youth Foundation, engaged in a lengthy discussion regarding the financial ramifications of this ruling.

Chairman Major inquired about the status of the Agreement with the Youth Foundation with particular mention given to the perpetuity of the building's naming rights should it have a different use in the future. He asked that recommended language from the AYF be available for discussion at the August 6th meeting. Mr. Urbelis said he was working out the details of the Agreement with Attorney Robert Lavoie of the Youth Foundation and noted that theoretically the 2002 Agreement can stay the same with a change of the location from the West Andover site to the Doherty Middle School site.

The Board discussed the Town's waiving of building fees for the project. Mr. Urbelis indicated that the Inspector of Buildings has estimated that for a building the size of the proposed Youth Center the fees would total approximately \$85,000 to \$100,000. Selectman Vispoli asked if there has been a precedent set from prior projects and Mr. Urbelis indicated there has been nothing of this magnitude to date. In response to an inquiry from Tom Deso, 81 High Street, on whether there was a policy on waiving fees, the Board engaged in a discussion as to whose authority it was – the Town Manager or Selectmen – to authorize the waiving of fees with no consensus reached.

The Board then discussed a memo from Plant & Facilities Director Joseph Piantedosi to Youth Foundation President Peg Campbell regarding “green building technology” when constructing the building, what his department would require, the financial ramifications it would have to the project and whether it should be included in the new Agreement if it hadn’t been included in the 2002 Agreement. Ms. Costagliola indicated that the AYF has not made a decision regarding this matter. Chairman Major asked that clarification be given at the August 6th Selectmen’s meeting as to whether the AYF is in agreement with the memo. Mr. Urbelis reminded the Board that the Youth Center must be built to the Town’s specifications.

Public funding for the infrastructure was discussed. Mr. Urbelis reminded the Board that the last contract stated that the AYF would provide the funding for the infrastructure and since that has changed, a Town Meeting vote will be required with feedback from Mr. Piantedosi and Public Works Director Jack Petkus.

No votes were taken by the Board and the discussion will be continued at the August 6th meeting.

X. Regular Business of the Board (Cont.)

C. Andover Historical Society Farmers Market “No Parking” Request

Don Robb, 36 York Street, appeared before the Board on behalf of the Andover Historical Society to request that “No Parking” be permitted in the approximately eight spaces in front of the Historical Society at 97 Main Street each Saturday from now until October 13th between 10:30 A.M. and 12:30 P.M. to allow the Farmers Market vendors to offload their produce. He said AHS is sponsoring the outdoor Market every Saturday from 12:30 P.M. to 3:30 P.M. and there are four farmers and one baker who sell their products.

It was noted that the request has been reviewed by the Andover Police Department and they recommend disapproval as the unloading of trucks would also necessitate the closing of the sidewalk during a very busy time of day. They feel the AHS has access to their property via a private driveway next to their building and indicated that should the Board approve the request, then a Police detail would be required.

The Board engaged in a brief discussion regarding the request. Selectman Lyman said that since this was a pilot project the request should be approved this year and then reviewed next year to see if the “no parking” had posed any problems. She commended the AHS for undertaking the project and felt it was an excellent community-wide event.

A motion was made by Selectman Lyman, seconded by Selectman Vispoli, to approve the request as presented – to allow “no parking” in the approximate eight spaces in the front of the Historical Society at 97 Main Street beginning Saturday, July 28th through October 13th between 10:30 A.M. and 12:30 P.M. only. The vote was 4 – 0.

D. North Shore HOME Consortium Agreement Revisions & the Re-sale of Affordable Housing Units

Lisa Schwarz, Senior Planner, appeared before the Board requesting that they authorize the renewal and revision of the Mutual Cooperative Agreement for the Town’s participation in the North Shore HOME Consortium. She said the Board signed the original agreement in 2004 to join the Consortium. She reviewed the uses of the funding and the reasons for the revisions per order of HUD (U. S. Dept. of Housing & Urban Development).

A motion was made by Selectman Vispoli, seconded by Selectman Lyman, to authorize Chairman Brian Major to sign the revised Mutual Cooperation Agreement for the North Shore HOME Consortium on behalf of the Town. The vote was 4 – 0.

Ms. Schwarz then reviewed the re-sale of two affordable units at Coachman's Ridge and Abbot's Pond. She explained that the Town must first be offered the two bedroom units under the "right-of-first-refusal" contained in the deed rider provisions for both developments. She said the Town does have a list of potential buyers willing and eligible to purchase units that become available. If the Town doesn't exercise its right to purchase the units, she will forward those names to CHAPA or DHCD, the monitoring agency, who will then market the units.

X. Regular Business of the Board (Cont.)

D. North Shore HOME Consortium Agreement Revisions & the Re-sale of Affordable Housing Units

A motion was made by Selectman Vispoli, seconded by Selectman Lyman, that the Town not exercise its right-of-first-refusal for the two subsidized low/moderate income housing units at Abbot's Pond (16 Bryan Lane) and Coachman's Ridge (170 Haverhill Street). The vote was 4 – 0.

XI. Adjournment

A motion was made by Selectman Vispoli, seconded by Selectman Lyman, to adjourn the meeting. The vote was 4 – 0. The meeting adjourned at 8:56 P.M.

Respectfully submitted,

Sandra A. Cassano

Sandra A. Cassano, Recording Secretary